
**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

DEREK KITCHEN, *et al.*,

Plaintiffs,

v.

GARY R. HERBERT, *et al.*,

Defendants.

ORDER

Case No. 2:13-cv-00217-RJS

Honorable Robert J. Shelby

The above-captioned matter came before the court for a status conference on August 27, 2013. Plaintiffs Derek Kitchen, Moudi Sbeity, Karen Archer, Kate Call, Laurie Wood, and Kody Partridge (collectively, “Plaintiffs”) were represented by Peggy A. Tomsic, James E. Magleby, and Jennifer Fraser Parrish. Defendants Gary R. Herbert and John Swallow (collectively, “State Defendants”) were represented by Philip S. Lott and Stanford E. Purser. Defendant Sherrie Swensen was represented by Ralph Chamness and Darcy Goddard.

The court, having considered the parties’ respective positions with regard to how this case should proceed, including Plaintiffs’ Notice of Submission of Plaintiffs’ Proposed Scheduling Order and Scheduling Issues to Be Discussed/Resolved at the August 27, 2013 Status Conference (Dkt. 22); State Defendants’ Response to Plaintiffs’ Statement of Scheduling Issues (Dkt. 23); and the arguments of counsel at the August 27, 2013, status conference, hereby **ORDERS:**

1. This case will first proceed with motions for summary judgment.
2. The court has provided Plaintiffs with the option of two briefing schedules, depending on whether Plaintiffs elect to file a motion for summary judgment.

3. Plaintiffs have elected to file a motion for summary judgment.

4. Therefore, motions for summary judgment, to be filed by any party, are due on or before **October 11, 2013**.

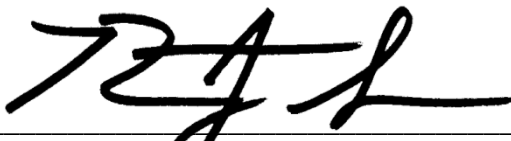
5. Any responses to motions for summary judgment, to be filed by any party, are due on or before **November 22, 2013**.

6. A hearing on all motions for summary judgment is set for **December 4, 2013, at 10:00 a.m.**, in Room 220, before the Honorable Robert J. Shelby.

7. To the extent that the court's rulings on the motions for summary judgment are not dispositive, a status and scheduling conference is also set for **January 7, 2014, at 10:00 a.m.**, in Room 220, before the Honorable Robert J. Shelby.

DATED this 4th day of September, 2013.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'RJS', is written over a horizontal line.

ROBERT J. SHELBY
United States District Judge